

DEON DASHON SMITH, )  
 )  
 Plaintiff, )  
 )  
 VS. ) No. 19-1198-JDT-cgc  
 )  
 MADISON COUNTY SHERIFF’S, )  
 DEPARTMENT, )  
 )  
 Defendant. )

On October 22, 2019, the Court dismissed the *pro se* complaint filed by the prisoner Plaintiff, Deon Dashon Smith, for failure to state a claim but granted leave to file an amended complaint within twenty-one days. (ECF No. 4 at PageID 14-17.) Because Smith submitted a change of address and did not initially receive that order, he was granted an extension of time, through December 16, 2019, in which to file any amendment. (ECF No. 11.)

This is Deon Smith case, 1 19-cv-01198. I want to dismiss this case, and get the \$4.40 put back on my account that you all took. Can you them and them [sic] that this case is dismiss[ed] and do not take any more money off of my account. Thank You.

Smith may voluntarily dismiss this case pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)-(B), but doing so will NOT entitle him to a refund of any payments already made

toward the filing fee or to a waiver of the remaining outstanding balance. The entire \$350 civil filing fee is due and payable at the moment a case is filed, and that obligation is unaffected by the later dismissal of the case, even if the dismissal is voluntary. *See McGore v. Wrigglesworth*, 114 F.3d 601, 607 (6th Cir. 1997); *see also In re Alea*, 286 F.3d 378, 381 (6th Cir. 2002).

It is ORDERED that, **on or before January 27, 2020**, Smith shall either file an amended complaint or confirm his request to voluntarily dismiss this case. Smith must sign any document sent to the Court. If Smith does not respond to this order in a timely manner, the Court will dismiss the case in its entirety without further notice, assess a strike pursuant to 28 U.S.C. § 1915(g), and enter judgment.

IT IS SO ORDERED.

s/ **James D. Todd**  
JAMES D. TODD  
UNITED STATES DISTRICT JUDGE